

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES
(Attorney Docket No. 14330US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Electronically Filed on October 4 2010

Serial No.: 10/675,904

Filed: September 30, 2003

For: MEDIA EXCHANGE NETWORK
WITH MEDIA GUIDE INTERFACE

Examiner: Patrick A. Ryan

Group Art Unit: 2427

Conf. No.: 6131

REPLY BRIEF

Mail Stop Reply Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This a Reply Brief in response to the Examiner's Answer. The Appellant respectfully requests that the Board of Patent Appeals and Interferences ("Board") reverse the final rejection of claims 1-31 of the present application. This Reply Brief is timely filed within the period for reply that ends on October 2, 2010.

REMARKS

The Appellant maintains that the claims are patentable at least because the proposed combination of Novak and Cooper fails to disclose or suggest the following limitations of independent claims 1, 11 and 21:

- Claims 1 and 11: “[P]resenting for displaying, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location prior to pushing said media channel to said second geographic location.”
- Claim 21: said at least one processor causes said schedule comprising said one or both of personal media and/or broadcast media to be presented for displaying, at a first geographic location, in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location prior to pushing said media channel to said second geographic location.

In responding to the Appellant’s arguments, the Examiner argues as follows:

As the Examiner had previously presented, Novak teaches a system and method for pushing media content from a first geographic location to a second geographic location, where a set top box device (STB) can be located at each location (generally demonstrated by Novak in Figs. 1 and 11; with further reference to Final Office Action mailed October 30, 2009 (“Office Action”), Page 7-8). In particular, the Examiner has addressed the claimed “first location” with Novak’s Upload Source 122 and the claimed “second location” with Novak’s “STB 152” (Office Action Pages 7-8). Novak clearly discloses that multiple selectable and tunable media channels are presented at STB 152 by way of (electronic program guide) EPG 153 (of Fig. 9, as described in Paragraphs [0073-0075]). Novak additionally discloses that Upload Source 122 comprise a set top box, a PC, or other access device (Paragraphs [0039,0040,0056]).

(Answer, p. 12.) Although Novak mentions in passing that the upload source 122 (equated by the Examiner to “a first geographic location”) may also comprise a set top box, PC or other

access device, at no point does Novak disclose that the media guide is presented for display at the first location. Instead, Novak only specifically discloses that the media guide (or EPG 153) is displayed at the location of the STB 152 (equated by the Examiner to “a second geographic location.”) (See, e.g., Figure 1 and ¶ 0037.)

The Examiner apparently recognizes this deficiency of Novak and goes on to argue as follows:

According to Novak, Upload Source is presented with Interface 702 of Fig. 7 for scheduling the presentation of personal media (as described in Paragraphs [0067-0068]). *It is the Examiner's position that Novak's Interface 702 constitutes a "media guide" (as first stated in Claims 1, 11, and 21 of the instant application)* however, within the disclosure of Novak, it is unclear if one or more of the plurality of channels may be selected and viewed at the first location prior to pushing the media channel to the second geographic location (Office Action Page 8). Therefore the Examiner has relied upon the Cooper reference to teach this limitation.

(Answer, p. 12.)⁵ Hence, the Examiner also apparently equates the user interface 702 (as illustrated in Figure 7) with Appellant's media guide. The Appellant disagrees. Novak describes Figure 7 as follows:

[0063] FIG. 7 shows a second example of a user interface 702, according to an embodiment of the invention, that can be used with a PC or with the set top box 504 to organize various media objects into one or more media programs for a synthetic channel. A plurality of headings 704 identifies a corresponding plurality of fields 706 where the individual can enter media object information or preferences. As an example, the headings 704 can include identifiers for date, time slot, media object identifier (ID), media object description, file type, preview video, etc. Other fields may be present where the uploading individual can provide not just schedule information but also other program information, such as actors, players, personalities, director, story summary, previews of the media object (preview of an audio track or a preview video clip), etc. that are all accessible/displayable from the EPG 153.

(Novak, ¶ 0063.) In other words, Figure 7 simply illustrates how the user interface 702 can be used to organize various media objects into a single synthetic channel, e.g., “Joe's TV Channel.”

⁵ Emphasis added except where noted otherwise.

using the interface 702. **Novak does not disclose that the interface 702 or the synthetic channel schedule comprise a plurality of channels.** Hence, the user interface 702 does not constitute a “media guide [comprising] a plurality of channels,” as recited in Appellant’s claims.

Novak also fails to disclose or suggest the user interface 702 comprises a plurality of channels **that may be selected and viewed** at the first geographic location, i.e., the location of the upload source 122, **prior to pushing** a channel to the second location. In this regard, Novak explicitly states that the various media objects that are organized into the single synthetic channel are ultimately “accessible/displayable from the EPG 153.” *See* Novak, ¶ 0053. In other words, media objects from the single synthetic channel are accessed and displayed at the location of the STB 153 (equated by the Examiner to “a second geographic location”), and not from the location of the source 122 (equated by the Examiner to “the first geographic location.”) Hence, this is an additional reason why the user interface 702 does not constitute a media guide, as recited in Appellant’s claims.

The Examiner admits that Novak does not disclose that “one or more of the plurality of channels may be selected and viewed at the first location prior to pushing the media channel to the second geographic location.” (*See* Answer, p. 12.) The Examiner relies on Cooper to make up for this admitted deficiency of Novak as follows:

In a similar fashion to Novak, Cooper teaches a method and system for communicating information from a STB in a first geographic location to a STB in a second geographic location (as shown in Fig. 6 and described in Col. 4 Line 28—Col. 5 Line 33; with further reference to Office Action Pages 8-10). As demonstrated in Figure 6, each location is presented with an EPG containing multiple channels (as individually identified by channel number and name). Additionally, Cooper discloses that channels in the EPGs are selectable and viewable as presented to each location (in accordance with the method of Fig. 7, as shown in Fig. 8, and as described in Col. 5 Lines 54—Col. 6 Line 39). **With reference to Figure 9, Cooper demonstrates that a user can receive and view a TV signal 800 prior to transmitting an outgoing message (as described in Col. 6 Lines 19-57; with further reference to the method of Fig. 10).**

(Answer, pp. 12-13.) Cooper merely discloses two separate STBs (at two separate locations), where one of the STBs may receive information (e.g., a text message and/or a link) from the other STB. However, the received information is not media content. Instead, it merely takes the

form of a text message and/or a link identifying media content, such as programming that is being viewed by another STB. (See, e.g., Cooper, Abstract, 4:42-29, and 702 in Figure 7.) None of Cooper's STBs can select/view a medial channel, prior to pushing the medial channel to another geographic location. The Examiner admits that Cooper does not disclose pushing media channels as required by the claims, but nevertheless argues that Cooper "**demonstrates that a user can receive and view a TV signal 800 prior to transmitting an outgoing message.**" To support this content, the Examiner points to Figures 9 and 10 and the following passage of Cooper:

The display shown in FIG. 9 illustrates how a display can simultaneously present a television program and a chat room. The television program and chat room may be independent. That is, a user could change TV shows without changing chat rooms and vice-versa.

In other embodiments, software may control the chat room the user is a member of so that it corresponds to the viewed television program. For example, as shown in FIG. 8, a display may include a region for displaying a received TV signal 800 (e.g., Gilligan's Island) and a "TV chat" control 802. Selecting the control automatically places a user in a chat room corresponding to the particular TV show. As shown in FIG. 9, when a user watching "Gilligan's Island" selects the TV chat control, the server places the user in a "Gilligan's Island" chat room 902 with other users viewing the show. The users can then share their comments on the show in real time by submitting messages to the server for display in the chat room window. The browser can configure the display such that the chat room text window 902 and the TV show display 900 can be viewed simultaneously.

FIG. 10 shows a process for **automatically assigning users to a chat room based on the TV show a viewer is currently watching**. Like the processing of links described above, the chat room assignment process can use information in the EPG 1000 to determine the television programming a user is viewing. When a user selects a TV chat button or other user interface control 1002, the process determines the currently tuned channel (e.g., channel "38"). The process then uses the EPG to identify the show corresponding to this channel 1004. For example, the process can use an EPG to lookup the TV show being broadcast on channel "38" at the current time. After identifying the TV show 1006, the set-top box can transmit a request to join a chat for the identified TV show 1006. The message may include the name of the TV

show, the channel number, the network or other information the server can use to determine which show the viewer is watching. The server can then place the user in the chat room associated with that TV show.

(Cooper, 6:19-57.) Nothing in this passage or elsewhere in Cooper “demonstrates that **“user can receive and view a TV signal 800 prior to transmitting an outgoing message,”** as alleged by the Examiner. Rather, Figures 9 and 10 merely disclose **“simultaneously [presenting] a television program and a chat room,”** and **“automatically assigning users to a chat room based on the TV show a viewer is currently watching,”** respectively. In other words, both of these passages disclose joining “chat rooms” based on a show that is **currently being watched**.

Hence, the Appellant maintains that the claims are patentable because **the combination** of Novak and Cooper fails to disclose or suggest all of the limitations of the independent claims. Specifically, the proposed combination of Novak and Cooper fails to disclose or suggest at least the limitation of “presenting for displaying, at a first geographic location, said schedule comprising said one or both of personal media and/or broadcast media in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic location prior to pushing said media channel to said second geographic location,” as recited by independent claims 1 and 11. Likewise, the proposed prior art combination does not disclose or suggest that “said at least one processor causes said schedule comprising said one or both of personal media and/or broadcast media to be presented for displaying, at a first geographic location, in a media guide, wherein said media channel may be pushed from said first geographic location to a second geographic location, wherein said media guide comprises a plurality of channels, and wherein one or more of said plurality of channels may be selected and viewed at said first geographic

location prior to pushing said media channel to said second geographic location,” as required by independent claim 21.

CONCLUSION

For at least the foregoing reasons, Appellant submits that the pending claims are in condition for allowance. Appellant therefore requests that the Board reverse the Examiner’s rejections of claims 1-31 and issue a patent on this application.

No fees are believed to be due in connection with this submission. The Commissioner is hereby authorized to charge any fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

/Kirk A. Vander Leest/
Kirk A. Vander Leest
Registration No. 34,036